

STATE OF NEW YORK

3156

2025-2026 Regular Sessions

IN SENATE

January 23, 2025

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to making certain exceptions for violations pertaining to certain mufflers and exhaust systems

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 3 and 4 of section 376-a of the vehicle and
2 traffic law, subdivision 3 as amended by chapter 856 of the laws of 1990
3 and subdivision 4 as amended by chapter 302 of the laws of 2013, are
4 amended to read as follows:

5 3. If the vehicle is being driven or operated in violation of any
6 provisions of section three hundred seventy-five, three hundred seven-
7 ty-six or three hundred eighty-one of this article relating to required
8 equipment, except a violation described in subdivision two of this
9 section, paragraphs (b) and (c) of subdivision thirty-one, thirty-one-a,
10 thirty-one-b, or forty-seven of section three hundred seventy-five of
11 this article, and except a violation relating to service brakes, such
12 officer shall issue a summons, provided, however, that a summons shall
13 not be issued if, in the discretion and at the request of such officer,
14 the defect is corrected in the presence of such officer. The refusal of
15 a police officer to permit the repair of any defect in [~~his~~] such police
16 officer's presence shall not be reviewable, and shall not be a defense
17 to any violation charged in a summons issued pursuant to the provisions
18 of this subdivision.

19 4. Any complaint issued for any violation of section three hundred
20 seventy-five, three hundred seventy-six or three hundred eighty-one of
21 this article relative to required equipment, except a violation
22 described in subdivision two of this section, paragraphs (b) and (c) of
23 subdivision thirty-one, thirty-one-a, thirty-one-b, or forty-seven of
24 section three hundred seventy-five of this article, and except for a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 violation relating to service brakes, shall be dismissed by the court
2 before which the summons is returnable if the violation as set forth in
3 the summons is corrected not later than one-half hour after sunset on
4 the first full business day after the issuance of the summons and proof
5 of such correction as set forth in subdivision five of this section is
6 submitted to the court. For the purposes of this subdivision, "business
7 day" shall mean any calendar day except Saturday and Sunday, or the
8 following business holidays: New Year's Day, Washington's Birthday,
9 Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day,
10 Thanksgiving Day, and Christmas Day.

11 § 2. Subdivision 31 of section 375 of the vehicle and traffic law, as
12 amended by chapter 527 of the laws of 2021, is amended to read as
13 follows:

14 31. Mufflers and exhaust systems. Prevention of noise. (a) Every motor
15 vehicle, operated or driven upon the highways of the state, shall at all
16 times be equipped with an adequate muffler and exhaust system in
17 constant operation and properly maintained to prevent any excessive or
18 unusual noise [~~and no~~].

19 (b) No such muffler or exhaust system shall be equipped with a cut-
20 out, bypass, or similar device. No person shall modify the muffler or
21 exhaust system of a motor vehicle in a manner which will amplify or
22 increase the noise emitted by the motor or exhaust system of such vehi-
23 cle above that emitted by the muffler or exhaust system originally
24 installed on the vehicle and such original muffler and exhaust system
25 shall comply with all the requirements of this section.

26 [~~(b)~~] (c) No person shall, in the state, sell, offer for sale or
27 install any of the following for the muffler or exhaust system of a
28 motor vehicle: a cut-out, bypass, or a similar device which will amplify
29 or increase the noise emitted by the motor or exhaust system of such
30 vehicle above that emitted by the muffler or exhaust system originally
31 installed on the vehicle.

32 A muffler is a device consisting of a series of chambers or baffle
33 plates, or other mechanical design for the purpose of receiving exhaust
34 gas from an internal combustion engine, and effective in reducing noise.

35 An exhaust system is a series of mechanical devices for the purpose of
36 receiving exhaust gas from an internal combustion engine and expelling
37 it into the atmosphere.

38 § 3. This act shall take effect on the ninetieth day after it shall
39 have become a law.